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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/754,959	01/08/2004	John M. Tiesler	02-022.7	8835

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EXAMINER

JOHNSON, JONATHAN J

ART UNIT	PAPER NUMBER
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1725

DATE MAILED: 10/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/754,959

Applicant(s)

TIESLER ET AL.

Examiner

Jonathan Johnson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,8 and 9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6,8 and 9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,108,147 (Grimm) in view of US 6,124,886 (DeLine). Grimm teaches connecting a trim ring extending around the circumference of the cover (figure 1, items 4 and 3) and a headliner (figure 2, item 13) using a clip but does not teach a sonic horn. DeLine teaches using ultrasonic welding as an alternative to using clips (col. 19, ll. 1-15). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the clip of Grimm to utilize ultrasonic welding in order to ensure the components are attached to each other (see Grimm col. 19, ll. 1-15).

Claims 2-5 and 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grimm and DeLine as applied to claim 1 above, and further in view of US 4,618,516 (Sager). Sager teaches ultrasonically welding using a base (item 50); at single points (figure 4, item 60) and using energy directors as fasteners (figure 3, items 42 and 40). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify combined invention of Grimm and DeLine to utilize ultrasonically welding with a base at multiple points using energy

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directors in order to reduce the power required to each joint to obtain softening but still provide a strong bond (see Sager col. 1, ll. 40-65).

Claims 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grimm, DeLine, and Sager as applied to claim 2 above, and further in view of US 4,231,609 (Sorensen). Sorensen teaches the use of fasteners between the headliner and the sunroof bracket (figure 5, item 62). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify combined invention of Grimm, DeLine, and Sager to utilize the fastener in order lock the frame to the roof (see Sorensen, col. 4, ll. 1-15).

Response to Arguments

Applicants argue Grimm provides a clip device for use with a particular headliner construction to physically clip the headliner directly to the roof frame of the vehicle. The examiner agrees. Applicant goes on to argue that Grimm "does not concern itself with a methods of securing a separate trim piece to a headliner." The examiner disagrees for two reasons:

First, during patent examination, the pending claims must be "given the broadest reasonable interpretation." Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969). In the instant case, DICTIONARY.COM defines "trim" as "framework, in a building or vehicle." Thus, a "trim ring" can be defined as framework, in a building or vehicle in the shape of a ring. In applying the Prater test by giving the claim its

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broadest reasonable interpretation, it is the examiner's position that Grimm teaches a "trim ring" at figure 1, items 4 and 7 since the guide frame is a framework in a vehicle and is in the shape of a ring (figure 1, items 4 and 7).

On a second, completely separate ground of reasoning, applicant's own specification explains that Grimm involves more than merely providing a clip device for use with a particular headliner construction to physically clip the headliner directly to the roof frame of the vehicle. Applicant's specification states that Grimm teaches "the trim ring is complementary to the frame and is attached to the frame by fasteners so as to finish the bottom surface," however in applicant's arguments, the applicant states Grimm does not concern itself with a methods of securing a trim piece to a headliner. (compare applicant's specification page 1, ll. 5-15 with applicant's arguments) That is, applicant's specification appears to contradict applicant's arguments with respect to the teachings of Grimm. Does Grimm teach securing a trim ring (which is attached to the frame) to a headliner, or not? In any event, while it is unclear whether applicants are using the examiner's interpretation of "trim ring" or using another interpretation altogether, applicant's specification clearly explains that Grimm teaches some type of trim ring is being attached to the headliner.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392,

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170 USPQ 209 (CCPA 1971). In the instant case, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the clip of Grimm to utilize ultrasonic welding in order to ensure the components are attached to each other (see Grimm col. 19, ll. 1-15).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Johnson whose telephone number is 571-272-1177. The examiner can normally be reached on M-Th 7:30 AM-5:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Dunn can be reached on 571-272-1171. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jonathan Johnson
Primary Examiner
Art Unit 1725

jj